

Remarks

Claims 1-47 and 61-62 are pending in the application, with claims 1, 24, 39, 40, 61, and 62 being the independent claims.

Examiner Interview

Applicants appreciate the courtesies extended during the personal interview conducted on January 5, 2006. During the interview, the examiner's rejections of claims 40, 42, and 43 based on 35 U.S.C. 112 were discussed and agreement was reached for each of the claims that would overcome the rejections. Claims 48 and 60 were discussed and the applicants' representatives agreed to cancel claims 48-60. Additionally, the Revell and Shirkey references were discussed and distinctions from the claimed invention were proposed. The Examiner said that further consideration of the Revell and Shirkey references may be required.

Rejections Under 35 U.S.C. 112

Claims 40-47 stand rejected under 35 U.S.C 112, ¶ 2.

With respect to claim 40, as discussed during the personal interview, it is not necessary to recite structure for the "geopositional information" or the "transmitter" for the claim to comply with 35 U.S.C. 112, ¶ 2. The Examiner agreed to withdraw the rejection of claim 40.

Claims 42 and 43 are amended herein to address the Examiner's rejections and to clarify the scope of the claims. Claim 43 is further amended to correct a typographical error.

Applicants respectfully request that the rejections be withdrawn.

Based on at least their dependence upon claim 40, the rejection of dependent claims 41 and 44-47 should be withdrawn.

Rejections Under 35 U.S.C. 102(e)

Claims 48 and 60 stand rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,337,637 B1 to Kubota et al. (“the Kubota patent”). Claims 48 and 60 and their respective dependent claims are cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Thus, the rejection of claims 48 and 60 should be withdrawn.

Rejections Under 35 U.S.C. 102(b)

Claims 1-3, 5-13, 20, 22, 24-36, 39-60 and 62 stand rejected under 35 U.S.C. 102(b) as being unpatentable over either U.S. Patent No. 5,554,982 to Shirkey et al. (“Shirkey”) or U.S. Patent No. 5,838,237 to Revell et al. (“Revell”).

Independent Claim 1 and its Dependent Claims

Claim 1 recites in part “predicting, based on a set of pre-determined rules, whether the remotely located mobile transmitter is likely to come within a warning zone proximate to a first vehicle.”

As discussed during the personal interview, neither the Revell patent or the Shirkey patent disclose or suggest “predicting, based on a set of pre-determined rules, whether the remotely located mobile transmitter is likely to come within a warning zone proximate to a first vehicle” as recited in claim 1.

Indeed, the Revell patent simply discloses a device that broadcasts its location to a receiver in response to an activation signal. Revell discloses that the location of the device may be plotted on a map. Revell, however, fails to disclose “predicting, based on a set of pre-determined rules, whether the remotely located mobile transmitter is likely to come within a warning zone proximate to a first vehicle” as recited in claim 1.

The Shirkey patent simply discloses a system that includes a transceiver in a fixed location that establishes a fixed warning zone proximate the fixed transceiver at a railroad crossing. The warning zone in Shirkey is not proximate to a first vehicle and is completely independent of any vehicle location. Thus, Shirkey fails to teach the invention as recited in independent claim 1.

For at least these reasons, independent claim 1 is allowable. Based at least on their dependence upon independent claim 1, dependent claims 2-23 are also allowable.

Independent Claim 24 and its Dependent Claims

Claim 24 recites in part “a processor configured to establish at least one warning zone proximate to the mobile receiver.”

As discussed during the personal interview, neither the Revell patent or the Shirkey patent disclose or suggest “a processor configured to establish at least one warning zone proximate to the mobile receiver” as recited in claim 24.

For at least these reasons, independent claim 24 is allowable. Based at least on their dependence upon independent claim 24, dependent claims 25-38 are also allowable.

Independent Claim 39

Claim 39 recites in part “means for predicting, based on a set of pre-determined rules, whether the remotely located mobile transmitter is likely to come within a warning zone proximate to a vehicle.”

As discussed above with respect to independent claim 1, and during the personal interview, neither the Revell patent or the Shirkey patent disclose or suggest “means for predicting, based on a set of pre-determined rules, whether the remotely located mobile

transmitter is likely to come within a warning zone proximate to a vehicle” as recited in claim 39.

For at least these reasons, claim 39 is allowable..

Independent Claim 40 and its Dependent Claims

Claim 40 recites in part “an activation component configured to receive an activation signal when positioned proximate to a warning zone proximate to a first vehicle.”

As discussed during the personal interview, neither the Revell patent or the Shirkey patent disclose or suggest “an activation component configured to receive an activation signal when positioned proximate to a warning zone proximate to a first vehicle” as recited in claim 40.

For at least these reasons, independent claim 40 is allowable. Based at least on their dependence upon independent claim 40, dependent claims 41-47 are also allowable.

Independent Claim 62

Claim 62 recites in part “predicting the probability of the at least one of a plurality of mobile devices intersecting a warning zone proximate to the vehicle according to pre-determined prediction rules.”

As discussed above with respect to independent claims 1 and 39 and during the personal interview, neither the Revell patent or the Shirkey patent disclose or suggest “predicting the probability of the at least one of a plurality of mobile devices intersecting a warning zone proximate to the vehicle according to pre-determined prediction rules” as recited in claim 62.

For at least these reasons, independent claim 62 is allowable.

Rejections Under 35 U.S.C. 103(a)

Claims 4, 14-19, 21, 23, 37, 38, and 61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over either the Revell patent or the Shirkey patent.

Claims Dependent on Independent Claims 1 and 24

As discussed above, independent claims 1 and 24 are in condition for allowance. Based at least on their dependence upon independent claims 1 and 24, dependent claims 4, 14-19, 21, 23, 37, and 38 are also allowable.

Independent Claim 61

Claim 61 recites in part “determine the proximity of each of the plurality of mobile devices to the vehicular device, and provide information to a user, based on pre-determined rules, regarding the proximity of any of the plurality of mobile devices determined to be likely to intersect a warning zone of the vehicular device.”

As discussed above and during the personal interview, neither the Revell patent or the Shirkey patent disclose or suggest “determine the proximity of each of the plurality of mobile devices to the vehicular device, and provide information to a user, based on pre-determined rules, regarding the proximity of any of the plurality of mobile devices determined to be likely to intersect a warning zone of the vehicular device” as recited in claim 61.

Hence, for at least these reasons, the references fail to disclose or suggest the invention as recited by independent claim 61 and is therefore in condition for allowance.

Conclusion

All of the stated grounds of rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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